

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES MICHAEL PAPAZIAN,
Plaintiff,
v.
J. DOERER,
Defendant.

Case No. 1:24-cv-01182-HBK (PC)
ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
(Doc. No. 5)
ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
BUREAU OF PRISONS

Plaintiff, a federal prisoner, initiated this action on September 18, 2024, by filing a pro se civil rights complaint pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*¹. (Doc. No. 1, “Complaint”). Prior to screening, Plaintiff filed a First Amended Complaint. (Doc. No. 4, “FAC”). Plaintiff seeks leave to proceed *in forma pauperis* on his FAC and submitted a certification from prison officials in support. (Doc. No. 5). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(A), Plaintiff is obligated to make an initial payment of \$87.24² (20% of the average 6-month**

¹ 403 U.S. 388 (1971).

² The statute requires an initial filing fee of 20% of the greater of the six-month average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff’s average monthly balance over the relevant period was \$436.19 and his average monthly deposits was \$72.69. (Doc. No. 5 at 2).

1 **balance on his prisoner's account).** Thereafter, Plaintiff must make monthly payments of 20%
2 of the preceding month's income credited to his trust account. The California Department of
3 Corrections is required to send the initial \$87.24 payment to the Clerk of the Court from any
4 deposits made into Plaintiff's account until the \$87.24 is paid and thereafter make subsequent
5 payments from Plaintiff's account each time the amount in her account exceeds \$10.00, until the
6 statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

7 ACCORDINGLY, it is **ORDERED**:

8 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 5) is GRANTED.
9 2. **The Director of the Federal Bureau of Prisons, or his designee shall forward an**
10 **initial payment of \$87.24 to the Clerk of the Court from Plaintiff's prison trust account in**
11 **accordance with 28 U.S.C. § 1915(b)(1)(B) and thereafter shall make future monthly**
12 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
13 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
14 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
15 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
16 number assigned to this action.

17 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
18 *in forma pauperis* application on the Federal Bureau of Prison, via the court's electronic case
19 filing system (CM/ECF).

20 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
21 Department, U.S. District Court, Eastern District of California.

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23 Dated: November 19, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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